FOR MYSORE STATE

HOME. (195 3) Department.

MS. SERIES.

G.O. NO. 608

Dated 23-2-53.

[Despatch Abstract.]

Courts - Criminal - South Kanara district - Honorary special First Class Magistrate's Court at Mangalore - Employment of a lower division clerk - Sanctioned.

R.O.C.No.6343/52.E.2.

From

Sri R.Jayaram Ayyar,M.A.,B.L.,
Registrar, High Court, Madras.

To

The Secretary to Government,
Home Department,Madras(with enclosures).

Dated 29th January 1953.

Sir,

22017
2/2/53

Sub: Courts--Criminal--South Kanara District-Honorary Special First Class Magistrate's Court--Appointment of a temparary lower division clerks to attend to the collection of arrears of fine amounts--sanction--Proposals.

I am to forward herewith a copy of the letter Reference C.No.8163/52 M.H.C. dated 20-11-1952 from the District Magistrate,South Kanara requesting the appointment of a lower division clerk for the court of the Honorary Special 1st class Magistrate,Mangalore and to state that the Hon'ble Judges recommend the said proposals.

2. With reference to para 3 of the said letter the Hon'ble Judges consider that the supervision of the work of the said clerk may be rested only with the Honorary Special 1st Class Magistrate,Mangalore and not with the Sty. Sub Magistrate,Mangalore as proposed by the District Magistrate in his letter above cited.

REGISTRAR.

Copy to:

The Collector and District Magistrate,
Mangalore.

K.V.

Copy of letter Ref.C.No.8163/52.M.H.C. dated 20-11-1952 from the District Magistrate of South Kanara to the Registrar, High Court, Madras.

Sub: Office Procedure: Court of the Special 1st Class Magistrate,Mangalore--Fine amounts--Collection of arrears-appointment of an additional staff proposals.

During my inspection of the court of the Honorary Special 1st Class Magistrate,Mangalore on 7-11-1952, I noticed that a balance of Rs.30,893-3-4, consisting of Rs.747/- under fines and Rs. 30146-3-4 under General Sales Tax, is pending collection. A list of pending items of fines showing the period from which they are pending is enclosed. As will be seen from the list, there are items pending collection since 1949 and 1950. I find that the action taken by the court to collect the arrear has not been effective. Considering the huge amount of the arrears and the period from which they are pending, I consider that immediate steps are necessary to clear the arrear.

2. The Hon.Special 1st class Magistrate has a staff of only one attender on Rs.24/- 35/- p.m. I am of the view that greater clerical assistance should have been given to him to attend, to the work, connected with the collection of the arrear, due regard being had to the volume of current work in pending cases. The clerk has to attend to the issue of summons and records indexing of the file in disposed of cases, maintenance of various registers, preparation of monthly periodicals and fine statements etc. I found during my inspection that some of these items of routine work also are in arrears. It is too much to expect this clerk(attender) to attend also to the work connected with the prompt realisation of the fine amounts and General Sales Tax amounts which includes much correspondence with various authorities. I have since stopped transferring of cases under the G.S.T. Act to the file of this court, and have also directed the S.D.M. Mangalore to get my prior approval for transferring any more cases to the Special 1st class Magistrate. The number of cases pending is 86 of these quite a good number relate to offences under the G.S.T. and hence more amounts under fines and G.S.T. may accrue. With a view to expedite the realisation of the large

amounts remaining to be realised, I consider that a whole time clerk on Rs.45-90 per mensem is necessary, at least for a period of 6 months. Consequential financial commitment on account of this additional staff will be Rs.444/- only, which is a negligible amount compared to the large amount of the arrears to be collected. This will not constitute a recurring expenditure. I therefore request that the Government may be moved for the sanction of the appointment of a clerk on Rs.45/-90 p.m. for a period of six months only from the date of appointment to attend to the collection of the arrear under fines, taxes etc. The clerk will be disbanded as soon as the arrear is realised, if it happens before 6 months.

3. I am also of the view that inspite of appointing an additional clerk, the arrears of fines etc., cannot be cleared, unless the work of the clerk is closely supervised. The Special 1st class Magistrate is Honorary and hence cannot be expected to devote his whole time attention to the work of the court; he cannot also exercise continuous and effective control over the clerk, which alone will produce the desired result. I, therefore propose to transfer the work of collection of the arrears of fine amounts etc. either to the S.D.M.Mangalore or the S.S.M.Mangalore, and the clerk, to be appointed may be made to work under him. The Sub Divisional Magistrate being a touring officer, I would prefer the S.S.M.Mangalore to attend to this work. But as I feel doubtful whether such a procedure would be in order, I request that it may be examined and orders passed. Whether this proposal of transferring the collection work to a stipendary Magistrate is accepted or not, I request

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that the Government may be addressed for the sanction of an additional clerk and orders communicated to me expeditiously.

(Sd.) ...

for District Magistrate.

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(True Copy).

30/53

Sub-Assistant Registrar, A.D.,

8/304 K.V.

REVENUE DEPARTMENT

Subject.

ESTABLISHMENT - South Kanara district - Court of the Special I Class Magistrate, Mangalore - fine amounts - Collection of arrears - appointment of additional staff - sanction - request.

Station: Madras Ref.C.6008/52-1 Dated 31-1-1953.

From

Sri D.Balasundaram, I.A.S.,
Secy. to the Commr. of Comml. Taxes.

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Sri V.N. Kudva, I.C.S., Commr. of Comml. Taxes.

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Read:- From the Dt. Magistrate of S.Kanara, Ref.C.No.8163/52 M.H.C. d/ 20-11-52 addressed to the Registrar High Court, Madras.
From the do. to the Board of Rev.(CT) d/ 20-11-52.

REFERENCE

Submitted to the Government.

In the circumstances reported by the District Magistrate, South Kanara, the Board requests that the Government may be pleased to sanction the post of one additional lower division clerk for a period of 6 months to attend exclusively to the realisation of the fine and sales tax amount, in the Special I Class Magistrate's Court, Mangalore.

for SECRETARY (CT)

To

The Secretary to Govt. Home Department.
Copy to the Secretary to Government, Revenue Dept.

3916
5/2/53

PEERAN.3/2/53.

Copy of Ref.C.No.8163-52-M.H.C. dated 20-11-52 from the Dt.Magistrate, Mangalore.

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Sub:- Office Procedure - Court of the Spl. I Class Magistrate, Mangalore - fine amounts - collection of arrears - appointment of an additional staff - proposals.

I enclose a copy of my report C.No.8162/52 M.H.C. dated 20-11-52 addressed to the Registrar, High Court, Madras, requesting sanction for the appointment of an additional lower division clerk in the special I class Magistrate's Court, Mangalore to attend exclusively to the realisation of the fine and sales tax amounts due.

2. I request that the Government may be moved to sanction the appointment of the additional clerk for a period of six months. I may point out that the ~~xxxxxxix~~ expeditious realisation of the huge arrears under sales tax will be to the benefit of the C.T.Dept. and the revenues of the State.

(Sd).....
for Dt. Magistrate.

Copy of Ref.C.No.8163/52-M.H.C. dated 20-11-52 from the Collector, South Kanara to the Registrar, High Court of Judicature, Madras.

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Sub:- Office Procedure - Court of the Spl. I Class Magistrate, Mangalore - Fine amounts - Collection of arrears - appointment of an additional staff - proposals.

Same as pp3-5 ante

During my inspection of the Court of the Hon. Special Ist Class Magistrate, Mangalore on 7-11-1952, I noticed that a balance

(contd.)

of Rs.30,893-3-4, consisting of Rs.747/- under fines and Rs.30146-3-4 under General Sales Tax, is pending collection. A list of pending items of fines is pending collection. A list of pending items of fines showing the period from which they are pending is enclosed. As will be seen from the list, there are items pending collection since 1949 and 1950. I find that the action taken by the court to collect the arrear has not been effective. Considering the huge amount of the arrears and the period from which they are pending, I consider that immediate steps are necessary to clear the arrear.

2. The Hon. Special I Class Magistrate has a staff of only one attender on Rs.24/-35/- p.m. I am of the view that greater clerical assistance should have been given to him to attend to the work connected with the collection of the arrear, due regard being had to the volume of current work in pending cases. The clerk has to attend to the issue of summons and records indexing of the file in disposed of cases, maintenance of various registers, preparation of monthly periodicals and fine statements etc. I found during my inspection that some of these items of routine work also are in arrears. It is too much to expect this clerk (attender) to attend also to the work connected with the prompt realisation of the fine amounts and general sales tax amounts which includes much correspondence with various authorities. I have since stopped transferring of cases under the G.S.T.Act to the file of this court, and have also directed the S.D.M., Mangalore to get my prior approval for transferring any more cases to the Spl. I Class Magistrate. The number of cases pending is 86 of these quite a good number relate to offences under the G.S.T. and hence more amounts under fines and G.S.T. may accrue. With a view to expedite the realisation of the large amounts remaining to be realised, I consider that a whole time clerk on Rs.45-90 per mensem is necessary, at least for a period of 6 months. Consequential financial commitment on account of this additional staff will be Rs.444/- only, which is a negligible amount compared to the large amount of the arrears to be collected. This will not constitute a recurring expenditure. I therefore request that the Govt. may be moved for the sanction of the appointment of a clerk on Rs.45/-90 p.m. for a period of six months only from the date of appointment to attend to the collection of the arrear under fines, taxes etc. The clerk will be disbanded as soon as the arrear is realised, if it happens before 6 months.

3. I am also of the view that inspite of appointing as additional clerk, the arrears of fines etc., cannot be cleared, unless the work of the clerk is closely supervised. The Spl. I Class Magistrate is Honorary and hence cannot be expected to devote his whole time attention to the work of the court; he cannot also exercise continuous and effective control over the clerk, which alone will produce the desired result. I, therefore, propose to transfer the work of collection of the arrears to the S.S.M., Mangalore, and the clerk, to be appointed may be made to work under him. The S.D.M., being a touring officer, I would prefer the S.S.M., Mangalore to attend to this work. But as I feel doubtful whether such a procedure would be in order, I request that it may be examined and orders passed. Whether this proposal of transferring the collection work to a Stipendiary Magistrate is accepted or not, I request that the Govt. may be addressed for the sanction of an additional clerk and orders communicated to me expeditiously.

(x) of fine amounts etc either to the S.D.M. mangalore or

(Sd)..
for Dt. Magistrate.

/true copy/

PEERAN.3/2/53.

4/4 for SECRETARY (CT)

HOME DEPARTMENT.

G.O. Ms. No. 608 d/ 23.2.53

Courts - Criminal - South Kanara Dt. - Hony. Spl. First Class Magistrate's Court at Mangalore - Employment of a l.d. clerk - Sanctioned.

Read: From the High Court, Roc. No. 6343/52-E2, d/29.1.53.
From the Bd. of Rev., Ref.C.6008/52-1, d/31.1.53.

ORDER:

The Govt. sanction the employment for a period of six months from the date of appointment or till the need ceases whichever is earlier, of a lower division clerk in the scale of Rs.45-90 p.m. in the court of the Hony. Spl. First Class Magistrate at Mangalore to attend exclusively to the realisation of the arrears of fines and sales tax.

2. The expenditure should be debited to the relevant sub-head of appropriation under "27. Admn. of Justice - h. Criminal Courts".

3. The Govt. agree with the ~~Judges of the~~ High Court that the work of the clerk sanctioned in para 1 above should be supervised only by the Hony. Spl. First Class Magistrate, Mangalore.

To the D.M., South Kanara.
" Regr., High Ct., Madras.
" A.G. thro' Fin.Dept.
" Bd. of Rev., Madras.

(C.no. 22017 Ch II 53)

Home Department.

Courts - Criminal - South Kanara Dt. - Hony. Spl. First Class Magistrate's Court, Mangalore - Appointment of a l.d. clerk - Proposal.

From the High Court, Roc. No. 6343/52-E2, d/29.1.53.
From the Bd. of Rev., Ref.C.6008/52-1, d/31.1.53.

The Hony. Spl. First Class Magistrate's Court at Mangalore has at present a staff of one attender, i.e. a clerk in the scale of Rs.24-35 p.m. For the reasons stated in paras 1 and 2 of his letter at pp.3-5 c.f. the D.M., South Kanara requests that a l.d. clerk in the scale of Rs.45-90 p.m. may be appointe to the Hony. Spl. Magistrate's Court for a period of 6 months in order to attend to the collection of heavy arrears of fines and sales tax pending since 1949 and 1950. He has stated that the item will not constitute a recurring expenditure and that the clerk will be disbanded if the arrears are realised earlier than 6 months. The appointment of the addl. clerk, the D.M. states, is an urgent necessity. He has also suggested that for the reasons stated at 'X' in para 3 of his letter, the work of collection of the arrears of fine amounts may be transferred to the S.S.M., Mangalor and that the clerk to be appointed may be made to work under him. However, since he feels doubtful whether such a procedure would be in order, he requests that it may be examined and orders passed.

2. The Judges of the High Court and the Board of Rev. have recommended the D.M.'s proposal for the appointment of a l.d. clerk in the scale of Rs.45-90 for a period of 6 months to attend exclusively to the realisation of the arrears of fine and sales tax in the Hony Spl. I class Magte's court, Mangalore. The cost of the proposal works out to Rs.600/- roundly for 6 months. For orders whether the recommendation of the Board and the High Court may be accepted.

With reference to the proposal of the D.M. at

'A' on p.1 ante, the Judges consider that the supervision of the work of the clerk to be appointed may be rested only with the Hony. Spl. First Class Magistrate, Mangalore and not with the S.S.M., Mangalore as proposed by the D.M.

3. It is submitted in this connection that Govt. have ordered in G.O. Ms. 1123, Home, d/20.3.51 that in all the Bench Courts in the non-separation districts, the staff sanctioned exclusively for the Bench Courts should be under the immediate supervision of the Presidents who should maintain the personal file, service registers, etc. of the staff and that the pay of the staff should be drawn by the Presidents themselves, the pay bills being counter-signed by the concerned S.D.Ms. The question as to who should supervise the work of the staff in Special First Class Magistrate's Courts also would seem to be similar. The High Court's proposal at 'B' above may be accepted and the D.M. informed accordingly.

Subject to orders, the draft order submitted is for approval. Revenue and Finance may see for acceptance.

7.2.53

9/2/53

9.2.1953

F.S. 10.2.53

9/2/53

Rev

Fin.

R.D.

Yo M.S.

The draft order kept below maybe accepted in this dept and the file passed on to finance

13/2/53

Through C1.

9.2.53

Home Go.No.22017 ch.II/53-1

Go. 2.53

Transfer to Fin.

Rev G.O.No 135-82L/53-1 16-2-53

G

B

Fin. 11.2.53

Rs 12/2/53

Rs 12/2/53

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT 17 FEB 1953 12730 FINANCE DEPARTMENT

11.2.53 B

ASSISTANT SECRETARY TO GOVERNMENT 13 FEB 1953 13082 REVENUE DEPARTMENT

ADDITIONAL ASST. SECRETARY TO GOVERNMENT 14 FEB 1953 13532 REVENUE DEPARTMENT

Finance (EE)

The Note of Home on pp 1-2 above may be perused. In the circumstances explained the proposals at A & B on pp 1-2 above may be agreed to, and the draft order below may be accorded. The extra cost comes to Rs 590/- p.m.

Fin. 1279 EE/53-1
18.2.53.

19/2/53 Fin 17.2.53

18/II/53

Home.

DS/Home

ASSISTANT SECRETARY TO GOVERNMENT
18 FEB 1953
HOME DEPARTMENT

Home Dept

The draft order below may be

GS
19.2.53

GL
21/-

Issued as GOMS 608 Home dt 23.2.53

35046
19.2.53